



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,141	08/27/1999	IKKO FUSHIKI	03797.81834	7425

28319 7590 01/02/2003

BANNER & WITCOFF LTD.,
ATTORNEYS FOR MICROSOFT
1001 G STREET, N.W.
ELEVENTH STREET
WASHINGTON, DC 20001-4597

EXAMINER

LAROSE, COLIN M

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/384,141

Applicant(s)

FUSHIKI ET AL.

Examiner

Colin M. LaRose

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 and 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 October 2002 has been entered.

Applicant has amended claim 48. Claims 1-60 are pending.

Drawings

2. The corrected or substitute drawings were received on 17 October 2002. These drawings are accepted.

Response to Amendments and Arguments

3. Applicant's arguments have been fully considered but they are not persuasive for at least the following reasons.

Applicant agrees (page 2, Paper 12) with Examiner's interpretation of "common color data interchange format" as set forth on page 5 of paper 11. There, "common color data interchange format" was interpreted to be "a color data format (i.e. color space) that functions as an intermediate color data format for accurately converting from a first color format to a second color format."

Pritchett teaches the gamut expanded color space being a common color data interchange format because Pritchett's gamut expanded color space functions as an intermediate color space. See figure 7, wherein an input triplet is converted to an extended color space, and then the extended color space is placed into a final color space.

In addition, as was established in an interview with Applicant's Representative on 19 November 2002, Pritchett's expanded color space qualifies as a "common color data interchange format."

Claim Rejections - 35 USC § 112

4. In light of Applicant's clarification of the term "common color data interchange format," the previous rejections under 35 USC § 112 have been withdrawn.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-9, 14-17, 22-26, 31-35, and 40-50, and 55-60 rejected under 35 U.S.C. 102(e) as being anticipated by Pritchett.

In the previous Office action (Paper 11), the above claims were mistakenly rejected under 35 U.S.C. 102(a). The rejection should have been under 35 U.S.C. 102(e).

The explanation for the above rejection as stated in the previous Office action (Paper 11), except for claim 48, is herein incorporated by reference.

Regarding claim 48, Pritchett teaches a method for representing color images in a color management system in one of a gamut expanded RGB color space and a gamut expanded RGBA color space and further representing at least one of super transparent and super opaque colors using an alpha channel (column 7, lines 3-15: alpha channel), comprising the steps of:

representing color data values as perceptually visible super transparent/super opaque data values in a color space in a common color data interchange format (column 7, lines 8-15 and figure 4: perceptually visible super opaque data values (alpha channel) are included in the extended color space, which is in a common color data interchange format); and

labeling an image determined by perceptually visible super transparent/super opaque data values as a super transparent/super opaque color space image (Figure 4 illustrates that extended RGB color space triplets 450 and the alpha channel 470 of the image are identified (labeled) as such upon being output from color space converter 400).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 10, 18, 27, 36, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchett in view of Stokes and Yoda.

The explanation for the above rejection as stated in the previous Office action (Paper 11) is herein incorporated by reference.

9. Claims 11-13, 19-21, 28-30, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchett.

Art Unit: 2623

The explanation for the above rejection as stated in the previous Office action (Paper 11) is herein incorporated by reference.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,897,799 by Le Gall et al. discloses a universal color format.

U.S. Patent 5,452,111 by Giorgianni et al. discloses an intermediate color format.

U.S. Patent 5,818,613 by Masterson et al. discloses converting between color spaces using a constant hue algorithm.

U.S. Patent 5,995,655 by Lockett et al. discloses a color space conversion system.

U.S. Patent 6,282,311 by McCarthy et al. discloses representing an image, which has color values in an extended color gamut.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. The examiner can normally be reached Monday through Thursday from 8:00 to 5:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

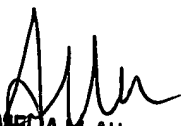
Art Unit: 2623

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.

CML

Group Art Unit 2623

18 December 2002


AMELIA M. AU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600